

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
Quebecor Petty Printing	)	Docket No. CAA-5-99-004
Company,	)	
Effingham, Illinois,	)	Proceeding to Assess an
	)	Administrative Penalty
	)	under Section 113(d) of the
	)	Clean Air Act,
Respondent.	)	42 U.S.C. § 7413(d)
_____	)	

**Consent Agreement and Consent Order**

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5, brought this administrative action seeking a civil penalty pursuant to Section 113(d) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(d), by filing an Administrative Complaint ("Complaint") against Respondent Quebecor Petty Printing Company ("Quebecor").

**Preliminary Statement**

2. The Complaint alleges that Quebecor violated Section 165 of the Act, 42 U.S.C. § 7475, and 40 C.F.R. § 52.21(i). Specifically, the Complaint alleges that Quebecor constructed certain presses without first obtaining a permit which met the requirements of 40 C.F.R. § 52.21(j) through (r), in violation of 40 C.F.R. § 52.21(i); and exceeded limitations in its federally enforceable construction permit, in violation of 40 C.F.R. § 52.23.

3. Respondent filed an Answer and requested a hearing pursuant to Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2), and Section 22.15 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", 40 C.F.R. § 22.15.

4. The parties agree that they should settle this action without a hearing or further proceedings, upon the terms in this Consent Agreement and Consent Order ("CACO").

#### **Consent Agreement**

5. Respondent admits the jurisdictional allegations in the Complaint, except that Quebecor Petty Printing Company is a subsidiary of Quebecor Printing Mt. Morris II, Inc., and Respondent neither admits nor denies the factual allegations in the Complaint.

6. Respondent waives its right to a hearing, as provided at 40 C.F.R. § 22.15(c), and waives its right to appeal pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

7. This CACO covers all claims asserted in Complainant's administrative complaint concerning alleged violations of the Clean Air Act and the regulations promulgated thereunder. Respondent certifies that it is in full compliance with 40 C.F.R. §§ 52.21 and 52.23 at its Effingham, Illinois facility.

8. Respondent and Complainant consent to the terms of this CACO.

9. In consideration of Respondent's cooperation and performance of the supplemental environmental project ("SEP") referenced in paragraph 16 below, Complainant agrees to mitigate the proposed penalty of \$60,500 to \$9,740.

10. Respondent shall pay the civil penalty of \$9,740 by cashier's or certified check payable to the "Treasurer, United States of America," not later than 30 days after the effective date of this CACO.

11. Respondent shall send the payment to:

U.S. Environmental Protection Agency  
Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

12. A transmittal letter, indicating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent shall write the case docket number and the billing document number on the face of the check. Respondent shall send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Jane D. Woolums (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3509

13. The payment specified in paragraph 9, above, represents civil penalties assessed by U.S. EPA and is not deductible for federal tax purposes.

14. Respondent's failure to comply with any provision of this CACO may subject Respondent to a civil action pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), to collect any unpaid portion of the civil penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for collection proceedings. The validity, amount and appropriateness of the assessed penalty are not reviewable in a collection proceeding.

15. Interest shall accrue on any amount overdue from the effective date of this CACO at a rate established pursuant to 26 U.S.C. § 6621(a)(2). Respondent shall pay a monthly handling charge of \$15 for each month that any portion of the assessed penalty is more than 30 days past due. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), Respondent shall pay a quarterly nonpayment penalty for each quarter during which the assessed penalty is overdue. This nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding

penalties and nonpayment penalties accrued from the beginning of the quarter.

16. Respondent certifies that it has completed physical construction and testing of a thermal oxidizer and associated equipment on presses OP 202, OP 206 and OP 211 in the main Petty building to reduce emissions of volatile organic material ("VOM") to the atmosphere.

17. Respondent shall operate the thermal oxidizer so that VOM emissions from the press dryer exhausts are reduced by 95 percent, by weight, except as provided in Illinois Environmental Protection Agency joint construction and operating permit 99030099.

18. After the beginning of normal operation of the thermal oxidizer, the Respondent shall not cause or allow the operation of presses OP 202, OP 206 or OP 211 unless the thermal oxidizer is operating, except as provided in Illinois Environmental Protection Agency joint construction and operating permit 99030099.

19. Respondent certifies that, as of the effective date of this CACC, no law, regulation, grant, order or agreement requires Respondent to perform or develop the SEP, except as provided in connection with the settlement of this enforcement action. Respondent further certifies that it has not received, and is not

presently negotiating to receive, credit for the SEP in any other enforcement action.

20. After providing reasonable notice to the Respondent, Complainant may inspect Respondent's facility at any time to monitor Respondent's compliance with this CACO's requirements regarding the SEP. This CACO does not affect Complainant's authority under Section 114 of the Act, 42 U.S.C. § 7414.

21. Respondent shall submit a SEP completion report to Complainant not later than 30 days after the effective date of this CACO. The SEP report shall contain the following information:

- (a) a detailed description of the SEP as implemented;
- (b) a description of any operating problems encountered and the solutions thereto;
- (c) a summary of costs to complete the SEP;
- (d) certification that Respondent has fully implemented the SEP pursuant to this CACO; and
- (e) a description of the environmental and public health benefits resulting from implementation of the SEP (quantify the benefits and pollutant reductions, if feasible).

22. Respondent may assert a business confidentiality claim in the manner described in 40 C.F.R. Part 2, covering part or all of the information submitted pursuant to paragraph 21. U.S. EPA shall disclose the information covered by the claim only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2.

23. Respondent shall submit all notices and reports required by this CACO by first class mail to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

24. Each report that Respondent submits pursuant to this CACO shall be signed by one of Respondent's officers and shall include the following statement:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information is true and complete. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

25. In the event Quebecor publicizes the SEP or the results of the SEP performed hereunder, in connection with any written advertisement of its business activities or any written statement concerning the SEP, Quebecor shall include the following language, "Quebecor Petty Printing Company has undertaken this project in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency for alleged violations of the Clean Air Act."

26. This CACO settles U.S. EPA's claims for civil penalties for the violations alleged in the Complaint.

27. Nothing in this CACO shall restrict U.S. EPA's authority to seek Respondent's compliance with the Act and other applicable laws and regulations.

28. This CACO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws and regulations.

29. This CACO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" in determining Respondent's "full compliance history" pursuant to Section 113(e) of the Act, 42 U.S.C. § 7413(e).

30. Each person signing this Consent Agreement certifies that he or she is duly authorized to execute this Consent Agreement by the party whom he or she represents and to bind that party to its terms.

31. Each party shall bear its own costs, fees and disbursements in this action.

32. This CACO constitutes the entire agreement between the parties.

33. The parties to this agreement consent to the entry of this CACO without further notice.

CONSENT AGREEMENT AND CONSENT ORDER  
Quebecor Petty Printing Company  
Docket No. CAA-5-99-004

U.S. Environmental Protection Agency,  
Complainant

Date: 3/2/00

By: 

Margaret M. Guerriero  
Acting Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5 (A-18J)

Quebecor Petty Printing Company,  
Respondent

Date: January 3/21/2000

By: 

Raymond Lecavalier  
Director, Legal Affairs  
Quebecor Petty Printing Company


CONSENT AGREEMENT AND CONSENT ORDER  
Quebecor Petty Printing Company  
Docket No. CAA-5-99-004

Consent Order

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this CACO with the Regional Hearing Clerk. This Order disposes of the matter pursuant to 40 C.F.R. § 22.18(c).

Date: \_\_\_\_\_

3/3/00

  
Francis X. Lyons  
Regional Administrator  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

In the Matter of Quebecor Petty Printing Company  
Docket No: CAA-5-99-004

CERTIFICATE OF FILING AND MAILING 21:08

I, Betty Williams, do hereby certify that the original of the foregoing Consent Agreement and Consent Order was hand delivered to the Regional Hearing Clerk, Region 5, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604 and that correct copies, were mailed first-class, postage prepaid, certified mail, return receipt requested, to the Respondent's Counsel by placing it in the custody of the United States Postal Service addressed as follows:

Katherine D. Hodge  
Hodge & Dwyer  
808 South Second Street  
P.O. Box 5776  
Springfield, Illinois 62705-5776

I also certify that a copy of the Consent Agreement and Consent Order was sent by First Class Mail to:

David Kolaz, Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
Springfield, Illinois 62702

on the 6<sup>th</sup> Day of March, 2000.

Betty Williams  
Betty Williams, Secretary  
AECAS (IL/IN)

FEDERAL EXPRESS RECEIPT NUMBER: 2199026390